

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HENRY ARGUDO and DIEGO SANAY, on behalf
of themselves and others similarly situated

Plaintiffs,

v.

PAREA GROUP LLC, d/b/a TRATTORIA IL
MULINO, IMNY GS LLC d/b/a IL MULINO
TRIBECA, GFB RESTAURANT CORP. d/b/a IL
MULINO DOWNTOWN, WONDERFUL
RESTAURANT LLC d/b/a IL MULINO
UPTOWN, K.G. IM MANAGEMENT,
LLC, PASTA PERFECT LLC, IM 60 STREET, IL
MULINO USA, IM LLC-I, BRIAN GALLIGAN,
and GERALD KATZOFF,

Defendants.

18 CV 678 (JMF)

~~PROPOSED~~ **ORDER PRELIMINARILY APPROVING CLASS ACTION
SETTLEMENT AND PROVIDING FOR NOTICE**

WHEREAS, the above-captioned matter (the “Wage Action”) is currently pending before this court; and

WHEREAS, Plaintiffs have made an application, pursuant to Rule 23(e), Fed. R. Civ. P., for an order approving the settlement of the claims alleged in the Lawsuit, in accordance with a Settlement Agreement and Release dated July 15, 2020) (the “Agreement”), which, together with the exhibits annexed thereto, sets forth the terms and conditions for a proposed settlement of the Wage Action against Defendants and for dismissal of the Wage Action against Defendants with prejudice upon the terms and conditions set forth therein, and the Court has read and considered the Agreement and the exhibits thereto; and

WHEREAS, all terms contained and not otherwise defined herein shall have the same meanings set forth in the Agreement.

IT IS ON THIS 23rd DAY OF July, 2020 HEREBY ORDERED AS FOLLOWS:

1. The Court hereby preliminarily approves the settlement set forth in the Agreement as being fair, just, reasonable and in the best interests of the Class Members as described in the Agreement (hereinafter the “Class”).

2. The Settlement Hearing Shall be held before this Court, on December 17, 2020 **(at least 135 days after the entry of this Order)** at the United States District Court, Southern District of New York, Thurgood Marshall U.S. Courthouse, 40 Foley Square, at 3:00 p.m., New York, NY 10007, to determine whether the proposed settlement of the Wage Action on the terms and conditions provided for in the Agreement is fair, just, reasonable, adequate and in the best interests of the Class, and should be approved by the Court; whether an Order and Final Judgment of Dismissal, as provided in the Agreement, should be entered; and to determine the amount of attorneys’ fees, costs and expenses that should be awarded Class Counsel.

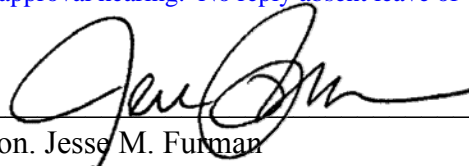
3. The Court approves, as to form and content, the Settlement Notice and finds that the mailing and distribution of the Settlement Notice substantially in the manner and form set forth in the Agreement constitutes the best notice practicable under the circumstances, and constitutes valid, due and sufficient notice to all persons in the Class, complying fully with the requirement of Rule 23 of the Federal Rules of Civil Procedure, the Constitution of the United States and any other applicable laws.

4. The Court reserves the right to adjourn the date of the Fairness Hearing without further notice to the Class Members, and retains jurisdiction to consider all further applications arising

out of or connected with the proposed settlement. Notice of any adjournment can be obtained from Class Counsel: D. Maimon Kirschenbaum and/or Josef Nussbaum, 32 Broadway, Suite 601, New York, NY 10004 (telephone: (212) 688-5640). The Court may approve the settlement, with such modifications as may be agreed to by the settling parties, if appropriate, without further notice to the Class.

5. On or before the date that is ~~five (5)~~ ^{twenty-one (21)} days before the final approval hearing, Class Counsel shall move the Court for final approval of the settlement, and submit a memorandum of law in support of Class Counsel's application for attorneys' fees and service awards. Any opposition shall be filed no later than fourteen (14) days before the final approval hearing. No reply absent leave of Court.

Dated: July 23, 2020



Hon. Jesse M. Furman
United States District Judge

In their motion papers and at the final approval hearing, the parties should be prepared to address the fact that the Class, as certified by the Court, covered a different period than the proposed settlement (namely, "January 26, 2012, to the present," or September 24, 2019. See ECF No. 120.

The Court reserves the right to conduct the final approval hearing by telephone without notice to the Class.

The Clerk of Court is directed to terminate ECF No. 217.